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Schools' obligations after receiving notice of a potential title IX violation

Travis Comstock <tcomstock@gmhlaw.com>
To: Elizabeth Abdnour <elizabeth@abdnour.com>

Fri, Jul 22, 2022 at 3:07 PM

Yeah, was looking at couple of sites about this. It piqued my curiosity. Title IX is not my specialty, so my comment was simply what my client rep told me. Probably in error to make it sound definitive when I was unsure myself.

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From: Elizabeth Abdnour <elizabeth@abdnour.com>
Sent: Friday, July 22, 2022 3:05 PM
To: Travis Comstock <tcomstock@gmhlaw.com>
Subject: Schools' obligations after receiving notice of a potential title IX violation

<https://www.law.cornell.edu/cfr/text/34/106.44>

A recipient with **actual knowledge** of **sexual harassment** in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to **sexual harassment** is clearly unreasonable in light of the known circumstances. For the purposes of this section, **§§ 106.30**, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the **respondent** and the context in which the **sexual harassment** occurs, and also includes any building owned or controlled by a **student** organization that is officially recognized by a **postsecondary institution**. A recipient's response must treat **complainants** and respondents equitably by offering **supportive measures** as defined in **§ 106.30** to a **complainant**, and by following a grievance process that complies with **§ 106.45** before the imposition of any disciplinary sanctions or other actions that are not **supportive measures** as defined in **§ 106.30**, against a **respondent**. **The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as**

defined in **§ 106.30**, consider the **complainant's** wishes with respect to **supportive measures**, inform the **complainant** of the availability of **supportive measures** with or without the filing of a **formal complaint**, and explain to the **complainant** the process for filing a **formal complaint**.

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